

REMARKS

Claims 18, 19, 21 to 25 and 27 are now pending.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO 1449 paper and cited references.

Reconsideration is respectfully requested based on the following.

Claims 18, 19, 23 and 25 were rejected under 35 U.S.C. § 102(b) as anticipated by WO01/25054, equivalent to U.S. Patent No. 6,919,917 to "Janssen."

As regards the anticipation rejections, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the rejection may not be agreed with, to facilitate matters, it is respectfully submitted that the "Janssen" reference does not identically disclose (or even suggest) the feature of "at least one control unit which *controls configuration of at least one of the first system component and the second system component* while the system is operating, the least one control unit using information from at least one information-providing system

component" of claim 18, as presented. Figure 3 of the "Janssen" reference refers to a control unit 90 configured to independently carry out a driving maneuver when required by a maneuver calculating unit 50. For example, the control unit 90 may influence the steering, engine, or brake control systems. The control unit 90 does not control configuration of at least one first system component which collects information about the environment of the system or at least one second system component which processes at least part of the information collected by the at least one first system component. Accordingly, claim 18, as presented, is allowable.

Claims 19, 23, and 25 depend from claim 18, as presented, and are therefore allowable for at least the same reasons as claim 18, as presented.

Claims 21, 22 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over the "Janssen" reference in view of U.S. Patent No. 5,487,172 to "Hyatt." Claims 21, 22 and 24 depend from claim 18, and are therefore allowable for the same reasons as claim 18, since the secondary "Hyatt" reference does not overcome -- and is not asserted to overcome -- the shortcomings of the primary "Janssen" reference.

In summary, all of pending claims 18, 19, 21 to 25 and 27 are allowable.

CONCLUSION

In view of the foregoing, claims 18, 19, 21 to 25 and 27 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

Dated: 8/15/2007

By: 

Gerard A. Messina
(Reg. No. 35,952)
One Broadway
New York, NY 10004
(212) 425-7200

33, 865
Awarone
212.1524

CUSTOMER NO. 26646